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Defendant Gary W. Rodrigues

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF HAWAII

JEANNE K. ENDO,	)	CIVIL NO. 03-00563 LEK
)	
Plaintiff,	)	THIRD-PARTY DEFENDANT GARY
	)	W. RODRIGUES' SIXTH MOTION
vs.	)	IN LIMINE TO BAR ALL
	)	OPINION TESTIMONY BY
UNITED PUBLIC WORKERS, AFSCME	)	WITNESSES AS TO WHETHER
LOCAL 646, AFL-CIO,	)	DEFENDANT ENGAGED IN SEXUAL
	)	HARASSMENT OF PLAINTIFF;
Defendant.	)	MEMORANDUM IN SUPPORT;
	)	CERTIFICATE OF SERVICE
vs.)	
)	
GARY W. RODRIGUES,)	
)	
Third-Party)	
Defendant)	
	)	TRIAL: May 13, 2008

THIRD-PARTY DEFENDANT GARY RODRIGUES'
SIXTH MOTION IN LIMINE TO BAR ALL OPINION TESTIMONY
BY WITNESSES AS TO WHETHER DEFENDANT ENGAGED IN
SEXUAL HARASSMENT OF PLAINTIFF

Comes now Third-Party Defendant GARY W. RODRIGUES
(hereinafter referred to as "Rodrigues"), by and through his
attorneys, and hereby moves in limine for an order barring all

opinion testimony by witnesses as to whether Rodrigues engaged in sexual harassment of Plaintiff on the basis that such evidence:

1. Is not based on personal knowledge as required by Rules 602 and 701, FRE;
2. Will result in unfair prejudice to Defendant, confuse the issues in this case and/or mislead the jury in violation of Rule 403, FRE and;
3. Is barred by Rule 404(b), FRE.

This motion is brought pursuant to Rule 7(b) of the Federal Rules of Civil Procedure, Rules 403, 404(b), 602, and 701, FRE, Rule 16.9, Local Rules of Practice for the United States District Court for the District of Hawaii, and is based upon the memorandum attached hereto, the records and files in this action and such further evidence or argument which may be presented at a hearing on the motion.

DATED: Honolulu, Hawaii, April 22, 2008.

/s/ Eric A. Seitz
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